

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
Oakland Venue

Petition for Summons for Offender Under Supervision

Name of Offender

James Richards

Docket Number

0971 4:08CR00194-001 SBA

Name of Sentencing Judge:

The Honorable Sandra Brown Armstrong
Senior United States District Judge

Date of Original Sentence:

December 16, 2008

Original Offense: Count One: Possession with Intent to Distribute Crack Cocaine, 21 U.S.C. § 841(a)(1) and 841(b)(1), a Class C Felony, Count Three: Possession of a Firearm in Furtherance of a Drug Trafficking Crime, 18 U.S.C. § 924(c)(1)(A), a Class A Felony.

Original Sentence: 46 months of Imprisonment; five years 46 months of Imprisonment; five years supervised release.

Special Conditions: Drug treatment; mental health treatment; access to financial information; search; register as a drug offender pursuant to state law; not own or possess any firearms, ammunition, destructive devices, or other dangerous weapons; DNA collection, special assessment \$200.00.

Prior Form(s) 12: On October 25, 2016, the Court took Judicial Notice that the offender submitted a positive urine sample and failed to report to drug testing.

On June 12, 2017, the Court modified the conditions of supervised release to require the offender to participate in a drunk driving victim impact panel, perform 50 hours of community service and complete a first offender DUI program.

Type of Supervision

Supervised Release

Assistant U.S. Attorney

James Mann

Date Supervision Commenced

June 10, 2016

Defense Counsel

Edward Smock (AFPD)

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Petitioning the Court

The issuance of a summons for the client to appear in Court before the duty Magistrate Judge for identification of counsel and setting of further proceedings on July 26, 2018, at 9:30am.

I, Robert E. Tenney, a Probation Officer employed in the United States District Court for the Northern District of California, solemnly affirm and declare, under penalty of perjury, that to the best of my information and belief, the facts set forth in this affidavit are true and correct. The factual affirmations made below are based on my personal knowledge, on official records or documents generated and maintained by my agency in the course of performing its functions, on official records or documents generated and maintained by other government agents or agencies in the course of performing their functions, or on information provided to me orally or electronically by employees or agents of other public agencies (information developed or acquired in the course of performing official agency functions).

<u>Charge Number</u>	<u>Violation</u>
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One	There is probable cause to believe that James Richards violated standard condition six that requires Mr. Richards to notify the probation officer at least 10 days prior to any change in residence or employment.
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Mr. Richards last reported address was 1075 Alcatraz Ave. in Oakland, California. However, during a police contact on June 21, 2018, he provided an address of 636 16th Street in Richmond, California. It is noted that on June 22, 2018, an appointment letter was sent to Mr. Richards at the Alcatraz address instructing him to report to the probation office on June 29, 2018. Mr. Richards failed to report.

Evidence to support this charge is the Oakland Police Department field interview report- 18-030971 and the appointment letter dated June 22, 2018 in the probation file.

<u>Charge Number</u>	<u>Violation</u>
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Two	There is probable cause to believe that James Richards violated standard condition number 11 that requires the offender to notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer.
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On June 21, 2018, Mr. Richards was riding a motorcycle and was stopped by an Oakland Police Officer for failing to stop at a stop sign. The officer then determined that Mr. Richards had a suspended license and also did not have a motorcycle endorsement on his license. Mr. Richards was cited and the motorcycle was towed.

Mr. Richards never notified the probation office of his police contact as required.

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Evidence to support this charge is the Oakland Police Department field interview report- 18-030971.

Charge NumberViolation

Three

There is probable cause to believe that James Richards violated standard condition number two that requires him to submit a truthful and complete written report within the first five days of the month.

Mr. Richards last submitted a monthly supervision report in December of 2016.

Evidence to support this charge is the chronological entry for July 9, 2018.

Charge NumberViolation

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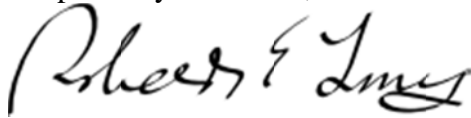
There is probable cause to believe that James Richards violated the mandatory condition that he not commit another federal, state, or local crime.

On June 21, 2018, Mr. Richards was riding a motorcycle without a valid driver's license and without a valid motorcycle endorsement on his license. Specifically, Mr. Richards was stopped by an Oakland Police Department officer after he was observed riding through a stop sign. Subsequently, the officer determined that Mr. Richards had a suspended license and no motorcycle endorsement.

Evidence to support this charge is the Oakland Police Department field interview report- 18-030971.

Based on the foregoing, there is probable cause to believe that James Richards violated the conditions of his Supervised Release.

Respectfully submitted,



Robert E. Tenney
U.S. Probation Officer
Date Signed: July 9, 2018

Reviewed by:



Sonia Lapizco
Supervisory U.S. Probation Officer

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Having considered the information set forth above, the Court finds there is probable cause to believe there has been a violation of the conditions of supervision and orders:

- ☒ The issuance of a summons for the offender to appear in Court before the duty Magistrate Judge for identification of counsel and setting of further proceedings on July 27, 2018, at 9:30a.m.
- ☐ Other:

July 9, 2018

Date



Saundra Brown Armstrong
Senior United States District Judge

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APPENDIX

Grade of Violations: C, USSG § 7B1.1(a)(3), p.s.

Criminal History at time of sentencing: I

	Statutory Provisions	Guideline Provisions
Custody:	Five years 18 U.S.C. § 3583(e)(3)	3-9 months USSG § 7B1.4(a), p.s.
Supervised Release:	Five years, less any time in custody 18 U.S.C. § 3583(h)	Five years less any time in custody USSG § 7B1.3(g)(2), p.s.
Probation:	Not applicable	Not applicable